

## Message Text

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ORIGIN COA-02

INFO OCT-01 ARA-16 EUR-25 EA-11 ISO-00 OIC-04 INT-08 AGR-20

SMI-01 CIAE-00 DODE-00 INR-10 NSAE-00 PA-04 RSC-01

USIA-15 PRS-01 SPC-03 AID-20 CEQ-02 COME-00 EB-11

EPA-04 IO-14 L-03 NSF-04 NSC-10 PM-07 SCI-06 SS-20

CG-00 DLOS-06 /229 R

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FM SECSTATE WASHDC

TO AMEMBASSY OTTAWA

AMEMBASSY MEXICO

AMEMBASSY PANAMA

AMEMBASSY SAN JOSE

AMEMBASSY TOKYO

AMEMBASSY PARIS

AMEMBASSY MADRID

AMEMBASSY MANAGUA

AMEMBASSY BOGOTA

AMEMBASSY QUITO

AMEMBASSY LIMA

AMEMBASSY SANTIAGO

UNCLAS STATE 213443

E.O. 11652:N/A

TAGS:EFIS XP

SUBJECT: DRAFT PROPOSAL ON COOPERATIVE ENFORCEMENT TO BE

PRESENTED AT 14TH INTERGOVERNMENTAL MEETING ON

YELLOWFIN TUNA CONSERVATION

REF: STATE 208907

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FOLLOWING IS TEXT OF DRAFT WHICH US PLANS TO PRESENT ON  
COOPERATIVE ENFORCEMENT TO I-G MEETING. PLEASE RESTORE TO  
NORMAL STYLE AND FORWARD FOR INFORMATION AND STUDY TO HOST  
GOVERNMENT OFFICE CONCERNED WITH PARTICIPATION IN MEETING.

US IS BECOMING INCREASINGLY CONCERNED OVER CERTAIN RECENT DEVELOPMENTS IN EASTERN TROPICAL PACIFIC TUNA FISHERY AND HOPES THAT STEPS WILL BE TAKEN AT NEXT MEETING OF INTER-AMERICAN TROPICAL TUNA COMMISSION (IATTC) TO RESPOND TO THESE DEVELOPMENTS. SPECIFICALLY, US IS CONCERNED OVER PROSPECT OF NON-ENFORCEMENT OF COMMISSION'S CONSERVATION RECOMMENDATIONS AND FEELS THAT ACTION MUST BE TAKEN BY ALL COUNTRIES PARTICIPATING IN FISHERY TO PREVENT AND DETECT VIOLATIONS. 1973 FISHING SEASON HAS DEMONSTRATED THAT ENFORCEMENT PROBLEMS, WHILE TOLERABLE IN PAST, ARE BECOMING INCREASINGLY TROUBLESOME AND CAN NO LONGER BE IGNORED. SITUATION HAS BECOME MORE SERIOUS BECAUSE FLEETS OF ALL COUNTRIES PARTICIPATING IN FISHERY ARE GROWING LARGER, ESPECIALLY BY ADDITION OF LARGE SEINERS NOT SUBJECT TO CLOSED SEASON ALLOCATIONS, AND BECAUSE THERE IS SUBSTAN-

TIAL NUMBER OF NONMEMBER COUNTRY VESSELS OPERATING IN AREA.

NEED TO CONSIDER QUESTION OF EFFECTIVE ENFORCEMENT OF CONSERVATION RECOMMENDATIONS OF COMMISSION WAS RECOGNIZED AS EARLY AS MAY 1971, WHEN IATTC WORKING GROUP ON REGULATORY SYSTEM FOR YELLOWFIN TUNA ESTABLISHED SUB-GROUP ON NATIONAL REGULATORY AND ENFORCEMENT SYSTEMS. REPORT OF THIS SUB-GROUP, PRESENTED TO WORKING GROUP IN LA JOLLA, CALIFORNIA, NOVEMBER 9-10, 1971, POINTED OUT EXISTING AND POTENTIAL PROBLEM AREAS, NOTING THAT CHANGES IN ENFORCEMENT PROCEDURES WOULD BE NECESSARY AS COMPOSITION AND PRACTICES OF TUNA FLEETS OF INDIVIDUAL COUNTRIES CHANGED IN FUTURE. SUB-GROUP ALSO NOTED THAT THERE WAS NEED TO DEVELOP SOME KIND OF INTERNATIONAL COOPERATIVE PROGRAM IN ORDER TO IMPROVE ENFORCEMENT PROCEDURES. SUB-GROUP CONCLUDED THAT SUCH PROGRAM WOULD BE HELPFUL IN (1) HANDLING PROBLEMS OF CONTROLLING VESSELS WHICH ARE CAPABLE OF FISHING INSIDE AND OUTSIDE COMMISSION'S REGULATORY AREA ON SAME FISHING VOYAGE; (2) PERMITTING MEMBER COUNTRIES TO INSPECT UNLOAD-  
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INGS OF THEIR FLAG VESSELS IN PORTS OF OTHER COUNTRIES, AND (3) EXCHANGING INFORMATION WHICH WOULD, AMONG OTHER THINGS, INCLUDE EVIDENCE WHICH COULD BE USED BY PARTICULAR COUNTRIES TO CONTROL THEIR OWN FLAG VESSELS.

US BELIEVES THAT IN ORDER TO SUCCESSFULLY ENFORCE IATTC CONSERVATION PROGRAM TWO BASIC ELEMENTS ARE NECESSARY: (1) INSPECTION IN PORTS OF LANDING AND (2) DETECTION OF VESSEL LOCATIONS AT SEA. INSPECTION OF LANDINGS IS NECESSARY TO ENSURE THAT 15-PERCENT INCIDENTAL CATCH LIMIT IS OBSERVED BY VESSELS OPERATING IN COMMISSION'S YELLOWFIN REGULATORY AREA DURING CLOSED SEASON FOR YELLOWFIN FISHERY. THIS LIMIT APPLIES TO ALL VESSELS OVER 400 TONS CARRYING CAPACITY AND TO THOSE VESSELS OF 400 TONS OR LESS

BELONGING TO ANY COUNTRY WHICH HAS FILLED ITS 6,000 TON CLOSED SEASON ALLOCATION FOR SMALL VESSELS. UNLOADINGS MUST, OF COURSE, BE MONITORED TO DETERMINE WHEN THIS ALLOCATION IS REACHED.

SINCE IT IS OFTEN BURDENSOME FOR OFFICIALS TO INSPECT THEIR FLAG VESSELS WHEN LANDINGS TAKE PLACE IN DISTANT PORTS, US CONTEMPLATES SCHEME WHEREIN EACH PARTICIPATING COUNTRY WILL INSPECT ANY VESSEL LANDING OR TRANSSHIPPING TUNA IN ITS PORTS AND WILL, WHEN REQUESTED, FACILITATE JOINT INSPECTION WITH GOVERNMENT OFFICIALS OF FLAG STATE OF VESSELS CONCERNED. FURTHERMORE, IN ORDER TO AVOID ENCOURAGING LANDINGS AT PORTS OF NON-PARTICIPATING COUNTRIES, IT WOULD BE NECESSARY TO RESTRICT LANDINGS AND TRANSSHIPMENTS TO PORTS OF THOSE COUNTRIES WILLING TO INSPECT AND TO FACILITATE JOINT INSPECTION OF SUCH LANDINGS AND TRANSSHIPMENTS.

PROBLEM OF DETECTING LOCATION OF VESSELS IS MORE DIFFICULT BUT EQUALLY VITAL TO EFFECTIVE ENFORCEMENT OF CONSERVATION PROGRAM. IF VESSELS CLAIM TO BE FISHING OUTSIDE REGULATORY AREA, WHERE THERE IS NO LIMIT ON TAKING OF YELLOWFIN, THEN IT IS NECESSARY TO BE ABLE TO VERIFY THEIR LOCATION TO ENSURE THAT THEY ARE IN FACT OPERATING OUTSIDE AREA. IF VESSEL WISHES TO OPERATE BOTH INSIDE AND OUTSIDE REGULATORY AREA ON SAME FISHING VOYAGE, THEN IT IS NECESSARY FOR GOVERNMENT OFFICIALS TO DETERMINE AMOUNT OF FISH OF EACH SPECIES TAKEN IN EACH AREA. TO ACCOMPLISH THIS, VESSEL

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MUST RETURN TO PORT FOR INSPECTION PRIOR TO CHANGING FISHING AREAS.

US HAS DEVELOPED SYSTEM OF VESSEL DETECTION WHEREBY WE (1) REQUIRE US VESSELS CLAIMING TO BE OPERATING OUTSIDE REGULATORY AREA TO REPORT REGULARLY TO US COAST GUARD RADIO STATION, (2) USE HIGH FREQUENCY DIRECTION FINDER FACILITIES TO VERIFY POSITIONS REPORTED BY VESSELS, AND (3) WHEN VIOLATIONS ARE INDICATED, USE COAST GUARD AIRCRAFT TO OBTAIN VISUAL EVIDENCE OF VIOLATIONS. US HOPES THAT IT MAY BE POSSIBLE FOR ALL COUNTRIES PARTICIPATING IN FISHERY TO MAKE USE OF ELEMENTS OF THIS SYSTEM IN ORDER TO VERIFY LOCATIONS OF THEIR VESSELS.

IT IS CLEAR THAT EFFECTIVE ENFORCEMENT OF CONSERVATION PROGRAM OF IATTC BY ALL COUNTRIES PARTICIPATING IN FISHERY IS VERY COMPLEX MATTER AND WILL NECESSITATE SOME KIND OF INTERNATIONAL ENFORCEMENT PROGRAM. US FEELS THAT IF ALL GOVERNMENTS INVOLVED ARE WILLING TO WORK TOGETHER TO AMELIORATE THIS SERIOUS SITUATION, SUCH PROGRAM CAN BE ACHIEVED WITHOUT GREAT DIFFICULTY. AT FORTHCOMING 14TH INTERGOVERNMENTAL MEETING ON CONSERVATION OF YELLOWFIN TUNA, US WILL INTRODUCE ATTACHED RESOLUTION FOR CONSIDERATION OF

ALL GOVERNMENTS WITH VESSELS PARTICIPATING IN YELLOWFIN TUNA FISHERY OF EASTERN TROPICAL PACIFIC OCEAN. US STRONGLY URGES ALL INVOLVED TO SUPPORT THIS RESOLUTION AS DEMONSTRATION OF THEIR CONCERN AND WILLINGNESS TO COOPERATE IN PREVENTING EROSION OF IATTC CONSERVATION PROGRAM. RESOLUTION IS DESIGNED TO OBTAIN INTERNATIONAL ACCEPTANCE OF STANDARDS OF ENFORCEMENT WHICH US AT PRESENT APPLIES TO ITS OWN NATIONALS AND VESSELS. IT IS VIEW OF US THAT THIS HIGH STANDARD CAN BE ACHIEVED ONLY THROUGH CONSIDERABLE DEGREE OF INTERNATIONAL COOPERATION, BECAUSE OF DIFFICULTIES PRESENTED BY GEOGRAPHY OF FISHERY, AVAILABILITY OF PERSONNEL AND TECHNICAL REQUIREMENTS.

US WILL OF COURSE BE PREPARED TO CONSIDER OTHER STANDARDS WHICH GOVERNMENTS MAY WISH TO SUGGEST AND OTHER MEANS OF

ACHIEVING THEM. BASIC INTEREST OF US IS TO DISCOVER WHAT COUNTRIES WHICH PARTICIPATE IN EASTERN TROPICAL PACIFIC UNCLASSIFIED

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TUNA FISHERIES CAN AGREE ON AS SUITABLY EFFECTIVE ENFORCEMENT SYSTEM FOR CONSERVATION MEASURES, SO THAT THIS GOVERNMENT CAN PROCEED IN FUTURE TO REGULATE ITS OWN CITIZENS ACCORDINGLY.

RESOLUTION OF THE 14TH INTERGOVERNMENTAL MEETING ON CONSERVATION OF YELLOWFIN TUNA ON COOPERATION IN ENFORCEMENT OF IATTC CONSERVATION MEASURES

WHEREAS, AN INTERNATIONAL CONSERVATION PROGRAM CAN ONLY BE AS EFFECTIVE AS THE ENFORCEMENT OF THE AGREED CONSERVATION MEASURES, AND

WHEREAS THE OPERATIONS OF THE INTERNATIONAL FISHING FLEET IN THE EASTERN PACIFIC TROPICAL TUNA FISHERY HAVE DEVELOPED TO A DEGREE OF COMPLEXITY AT WHICH IT IS DIFFICULT FOR THE FLAG GOVERNMENTS BY THEIR OWN UNAIDED EFFORTS TO ACHIEVE PERFECT ENFORCEMENT OF THE AGREED CONSERVATION MEASURES WITH RESPECT TO ALL THEIR VESSELS,

NOW THEREFORE THE 14TH INTERGOVERNMENTAL MEETING ON THE CONSERVATION OF YELLOWFIN TUNA RECOMMENDS THAT THE FOLLOWING PROVISIONS BE INCORPORATED IN THE RESOLUTION OF THE 14TH MEETING OF THE INTER-AMERICAN TROPICAL TUNA COMMISSION, CALLING UPON THE MEMBER GOVERNMENTS TO:

1. REGULARLY INSPECT ALL LANDINGS AND TRANSSHIPMENTS OF TUNA FROM THE EASTERN TROPICAL PACIFIC IN THEIR PORTS TO DETERMINE WHETHER THE CONSERVATION MEASURES RECOMMENDED BY THE COMMISSION ARE BEING OBSERVED AND, UPON REQUEST, PERMIT, ON A JOINT BASIS, SUCH INSPECTION BY OFFICIALS OF OTHER MEMBER GOVERNMENTS.

2. FACILITATE JOINT INSPECTION OF LANDINGS AND TRANSHIPMENTS OF TUNA FROM THE EASTERN TROPICAL PACIFIC BY ANY OF THEIR FLAG VESSELS IN ANY PORT, UPON REQUEST BY ANOTHER MEMBER GOVERNMENT.

3. REQUIRE VESSELS OF THEIR FLAG TO LAND OR TRANSSHIP TUNA FROM THE EASTERN TROPICAL PACIFIC ONLY IN PORTS UNDER THE JURISDICTION OF GOVERNMENTS WHICH HAVE AGREED TO REGULATE.

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LARLY INSPECT AND TO FACILITATE JOINT INSPECTION OF SUCH LANDINGS AND TRANSSHIPMENTS.

4. REQUIRE THEIR FLAG VESSELS, OTHER THAN LONGLINERS, WHICH

ARE CAPABLE OF FISHING IN THE EASTERN TROPICAL PACIFIC OUTSIDE THE CYRA DURING THE CLOSED SEASON TO OBSERVE PROCEDURES, INCLUDING RADIO REPORTING REQUIREMENTS, WHICH WILL ALLOW VERIFICATION OF THEIR OPERATIONS OUTSIDE THE CYRA AND THE AMOUNT OF CATCH BY SPECIES TAKEN OUTSIDE THE CYRA.

5. REQUIRE THEIR FLAG VESSELS, OTHER THAN LONGLINERS, WHICH FISH BOTH INSIDE AND OUTSIDE THE CYRA ON THE SAME FISHING VOYAGE DURING THE CLOSED SEASON, TO GIVE NOTIFICATION PRIOR TO GOING OUTSIDE OR COMING INSIDE THE CYRA AND, BEFORE FISHING IN THE AREA TO WHICH THE VESSEL IS GOING, TO PROCEED IMMEDIATELY TO AN INSPECTION POINT FOR INSPECTION OF THEIR LOAD AND SEALING OF THEIR CARGO WELLS.

6. REQUIRE THEIR FLAG VESSELS WHICH FISH IN THE EASTERN TROPICAL PACIFIC OUTSIDE THE CYRA TO REPORT THEIR CROSSINGS OF THE CYRA BOUNDARY AND THEIR POSITIONS WHILE OUTSIDE THE CYRA BY RADIO ACCORDING TO A DEFINITE SCHEDULE OF TIMES, FREQUENCIES AND ADDRESSEE STATIONS, WHICH SHALL BE MADE KNOWN TO OTHER MEMBER GOVERNMENTS UPON REQUEST.

7. SEEK THE COOPERATION OF ANY MEMBER GOVERNMENT TO VERIFY BY ANY MEANS AT ITS DISPOSAL THE POSITION OF ANY VESSEL REPORTING ITSELF AS FISHING OUTSIDE THE CYRA, INCLUDING AERIAL SURVEILLANCE, TO BE CARRIED OUT WHEN FEASIBLE WITH PARTICIPATION OF ENFORCEMENT OFFICIALS OR OTHER APPROPRIATE OFFICIALS OF THE FLAG GOVERNMENT.

8. IMMEDIATELY INFORM THE FLAG GOVERNMENT CONCERNING ANY VESSEL IN RESPECT OF WHICH THE RESULTS OF VERIFICATION OR SURVEILLANCE APPEAR TO INDICATE FALSE POSITION REPORTING.

9. REQUIRE THE MASTER OR OTHER PERSON IN CHARGE OF A TUNA VESSEL FLYING THEIR FLAG TO KEEP AN ACCURATE LOG OF ALL OPERATIONS CONDUCTED BY THE VESSEL.

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10. REGULARLY CHECK LOGBOOKS AND OTHER RECORDS OF THEIR FLAG VESSELS TO ASCERTAIN CONFORMITY WITH IATTC CONSERVATION MEASURES.

11. SEEK PROMPT PROMULGATION OF ANY REGULATIONS THAT MAY BE REQUIRED TO IMPLEMENT THE FOREGOING PROVISIONS FOR ENFORCEMENT OF IATTC CONSERVATION MEASURES.

12. TAKE APPROPRIATE ACTION TO CONSIDER AND ACT UPON REPORTS OF OFFICIALS OF OTHER MEMBER GOVERNMENTS CONCERNING THE RESULTS OF SURVEILLANCE AND INSPECTIONS OF THEIR FLAG VESSELS ON THE SAME BASIS AS REPORTS OF THEIR OWN OFFICIALS. THIS PROVISION SHALL NOT IMPOSE ANY OBLIGATION ON A CON-

TRACTING GOVERNMENT TO GIVE THE REPORT OF A FOREIGN OFFICIAL A HIGHER EVIDENTIAL VALUE THAN IT WOULD POSSESS IN THE FOREIGN OFFICIAL'S OWN COUNTRY.

NOTE: CYRA MEANS COMMISSION'S YELLOWFIN REGULATORY AREA. KISSINGER

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 11 MAY 1999  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** TUNA, FISHERIES COMMISSIONS, FISHING GROUNDS, FISHING BOATS, FISHING REGULATIONS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 30 OCT 1973  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** n/a  
**Disposition Approved on Date:**  
**Disposition Authority:** n/a  
**Disposition Case Number:** n/a  
**Disposition Comment:**  
**Disposition Date:** 01 JAN 1960  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1973STATE213443  
**Document Source:** ADS  
**Document Unique ID:** 00  
**Drafter:** SFW/COA W.G.VANCAMPEN:EEB  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** n/a  
**Film Number:** n/a  
**From:** STATE  
**Handling Restrictions:** n/a  
**Image Path:**  
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**Legacy Key:** link1973/newtext/t19731066/abqcejn.tel  
**Line Count:** 296  
**Locator:** TEXT ON-LINE  
**Office:** ORIGIN COA  
**Original Classification:** UNCLASSIFIED  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 6  
**Previous Channel Indicators:**  
**Previous Classification:** n/a  
**Previous Handling Restrictions:** n/a  
**Reference:** STATE 208907  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** martinml  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 20 SEP 2001  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <20-Sep-2001 by phillir0>; APPROVED <13 MAR 2002 by martinml>  
**Review Markings:**

Declassified/Released  
US Department of State  
EO Systematic Review  
30 JUN 2005

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** DRAFT PROPOSAL ON COOPERATIVE ENFORCEMENT TO BE PRESENTED AT 14TH INTERGOVERNMENTAL MEETING ON  
YELLOWFIN TUNA CONSERVATION  
**TAGS:** EFIS, XP  
**To:** OTTAWA  
MEXICO  
PANAMA  
SAN JOSE  
TOKYO  
PARIS

MADRID  
MANAGUA  
BOGOTA  
QUITO  
LIMA  
SANTIAGO

**Type:** TE

**Markings:** Declassified/Released US Department of State EO Systematic Review 30 JUN 2005